

## REMARKS

As a matter of review, the instant application relates *inter alia* to a method for delivering materials and compositions such as volatile materials including perfumes to a clothing dryer. One of the difficulties traditionally associated with delivering volatile materials such as perfumes to clothing dryers is the tendency for these materials to be volatilized and expelled from the dryer before the end of the drying cycle. The present invention provides a more effective method for delivering these materials. Claims 38 and 39 have been amended to more particularly define these claims. Support for the amendment to Claims 38 and 39 are found on page 7, lines 1 - 4.

### Rejections Under 35 U.S.C. §103

Claims 12, 14 - 15, 17 - 18, 32, and 38 - 39 stand rejected under 35 U.S.C. §103(a) over U.S. publication No. 2002/0069465 published in the name of Chute et al. (hereinafter "Chute et al.") in view of U.S. 6,190,420 issued to Reynolds (hereinafter "Reynolds") for the reasons of record stated on pages 2 - 3 of the Office Action. Applicants respectfully traverse this rejection.

Chute et al. purports to relate to a method and apparatus for dispensing fragrance to fabrics in an industrial laundry facility. [See paragraph 27 of Chute et al.].

Reynolds purports to relate to a dry cleaning sheet which is permeated with a composition which can be used in a dryer. Reynolds discloses adding a dry cleaning sheet to the dryer and allowing it to tumble with clothing at a temperature of "40°C - 90°C for five to forty-five minutes". [See Reynolds column 2, lines 19 - 23 and column 4, lines 33 - 37].

Applicants have amended Claims 38 and 39 to specify *inter alia* that a fabric treatment composition which is electrically charged is sprayed onto the fabric. In order to sustain an obviousness rejection, the prior art reference must suggest all the limitations of the claimed invention. [See MPEP 2143]. Chute et al. in view of Reynolds does not teach or suggest *inter alia* monitoring an operating temperature of a drying apparatus during a drying cycle of the drying apparatus whereby an electrically charged fabric treatment composition is sprayed onto a fabric article during a drying cycle wherein the fabric treatment composition is sprayed onto the fabric article after the drying apparatus has reached a first control operating temperature equal to or higher than about 60°C and after the drying apparatus has reached a second operating temperature of less than about 60°C but before the drying apparatus has reached a third operating temperature of about 25°C. Nor does Chute et al. in view of Reynolds teach or suggest *inter alia* spraying an electrically charged fabric treatment composition wherein the application of the spray occurs after the drying apparatus has reached a first control operating temperature of about 70°C or higher and then has returned to a second operating temperature of less than about 70°C but before a third operating temperature of about 20°C is reached.

Applicants' claimed invention provides for the controlled delivery of a fabric treatment composition to a fabric. Because the fabric treatment composition is in the form of an electrically charged spray which can be selectively applied to the fabric after a given event(s) occurs,

Applicants' invention allows for enhanced delivery of the fabric treatment composition. Hence, as Claims 12, 14 - 15, 17 - 18, 32, 38, and 39 are unobvious over Chute et al. in view of Reynolds, Applicants respectfully request the Examiner to reconsider and withdraw this rejection and allow these claims.

**Double Patenting Rejection**

Page 3 of the Office Action indicates that Claims 12, 14 - 15, 17 - 18, 32, and 38 - 39 are provisionally rejected on the basis of non-statutory obviousness-type double patenting as being unpatentable over Claims 10 - 19 of copending U.S. Patent Application No. 10/839,549. The submission of a Terminal Disclaimer would appear to be premature at this stage of prosecution. However, once patentable claims are agreed to, an appropriate Terminal Disclaimer can be provided, if still deemed necessary.

**SUMMARY**

This is responsive to the Office Action dated September 17, 2007. Applicants hereby petition for a one-month extension of time to respond to this Action. Please charge any fees associated with this response to Deposit Account No. 16-2480. As the rejection of Claims 12, 14 - 15, 17 - 18, 32, and 38 - 39 under 35 U.S.C. §103 have been overcome, Applicants respectfully request reconsideration and withdrawal of these rejections and allowance of these claims.

Respectfully submitted,  
FOR: DUVAL ET AL.;

BY: 

Julia A. Glazer  
Attorney for Applicants  
Registration No. 41,783  
(513) 627-4132

January 17, 2008  
Cincinnati, Ohio